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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 756/2016
RAHUL KUMAR

..... Petitioner

Through
versus

Mr Pradeep Teotia and Ms Anupriya, Advs.

THE STATE (GOVT NCT OF DELHI)

..... Respondent

Through

Mr Hirein Sharma, Additional Public
Prosecutor for the State alongwith Sub
Inspector Sangita Police Station Preet Vihar,
Delhi

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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03.05.2016

This is application under Section 438 of Cr.PC moved by the petitioner for grant of anticipatory bail in case FIR No.603/2015 under Sections 376(2)(B)/323/506/509/34 IPC registered at Police Station Preet Vihar, Delhi.

It is submitted by learned counsel for the petitioner that the petitioner was granted interim protection by the Trial Court which was extended at least on six occasions. Ultimately, the application was dismissed because the FSL result was still awaited. He refers to the whatsapp messages for submitting that the petitioner and the complainant were known to each other since 2014. He further submits that complainant is having criminal record as she was arrested in case FIR No.1407/2015 Police Station Shararpur under Sections 366/370/342/34 IPC and Section 5 of Immoral Traffic (Prevention) Act. Apprehending his false implication, he had also sent an application seeking protection from the complainant for extorting money and threat of implication in false of rape to DCP (East), IP Estate, Parparganj, Delhi. The complainant was very well aware of the fact that the petitioner is already married. The complainant herself is married having two children. However, complainant stated that she is a divorcee. Reference was also made to conversation between the petitioner and mother of complainant wherein mother of complainant asked the petitioner to search a boy for the complainant for the purposes of marriage. It is further submitted that the complainant refused to get herself medically

examined and even as per the status report, she refused to give her voice sample. The petitioner is a young man working in ITBP, 43rd Battalion, HP as such there is no chances of his absconding or tampering with the evidence as such he be granted anticipatory bail.

The application is opposed by learned Additional Public Prosecutor for the State on the ground that the allegations against the petitioner are serious in nature. On the false pretext of marrying the complainant, the petitioner made sexual relations with her and thereafter he kept on having forcible relations with her by threatening that he had nude clippings of complainant and will post the same on internet. It is, however, admitted that the complainant was called to get her voice recordings many a times for verification and genuineness of the CD but she never came, rather gave a written application that she does not want to get her voice recorded. The CDR of the victim and the petitioner have been obtained from which whatsapp was operated and the same has been found to be in the name of the complainant.

As such, without expressing any opinion on the merits of the case, it is ordered that in the event of his arrest:-

- (i) Petitioner be admitted to bail on his executing personal bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety in the like amount to the satisfaction of the concerned I.O./SHO.
- (ii) He shall join the investigation as and when called for by the I.O.
- (iii) He shall furnish his address as well as his contact number to the Investigating Officer.
- (iv) He shall not threaten or coerce complainant or any prosecution witness.

The application is accordingly disposed of.

Copy of this order be given *dasti* to counsel for the petitioner.

SUNITA GUPTA, J

MAY 03, 2016/*rd*